

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Wada et al. (US 6,225,846, hereinafter "Wada") in view of Fujita et al. (US 6,215,159, hereinafter "Fujita").

Claims 3-17 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Wada in view of Fujita, and further in view of Rossi et al. (US 6,069,513, hereinafter "Rossi").

Applicants respectfully traverse the rejections.

The Action states on page 2 that since a limitation is functional, it is given no patentable weight. The Response to Arguments section states that although Applicants recite a noise margin of Vcc/2 and this is not disclosed in any of the prior art references, a structural difference is required to distinguish the claimed invention from the prior art.

Applicants submit that these statements are incorrect as a matter of law.

"There is nothing inherently wrong with defining some part of an invention in functional terms.... A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used."

MPEP 2173.05(g)

Exemplary independent claim 1 recites in relevant part:

"...an output node operative to output a voltage of $V_{cc}/2$ in response to a voltage of $V_{cc}/2$ on the input node in the evaluate mode."

The cases cited in the Response to Arguments section of the Action are not on point. In re Casey, 152 USPQ 235 (CCPA 1967), is directed to intended use recitations. In re Otto, 136 USPQ 458 (CCPA 1963) is directed to recitations of a material or article worked upon by a structure being claimed. The recitation in claim 1 is neither an intended use recitation nor a recitation of a material or article worked upon by a structure, but rather a functional limitation that sets definite boundaries on the patent protection sought. Such functional limitations are perfectly acceptable and must be accorded patentable weight (see In re Barr, 444 F.2d 588, 170 USPQ 33 (CCPA 1971)).

The functional limitation "...operative to output a voltage of $V_{cc}/2$ in response to a voltage of $V_{cc}/2$ on the input node in the evaluate mode" sets definite boundaries on the structure and design of the dynamic repeater circuit. As described in the Specification in the sections referring to Figures 4 and 6 (at page 9, paragraph [0020] and page 12, paragraph [0026], respectively), the transistors in the repeater must be sized to provide the circuit with a noise margin of $V_{cc}/2$. The transistors must be sized in a ratio such that an equivalent circuit including these transistors has a noise margin of $V_{cc}/2$. Thus, the functional limitation sets definite boundaries on the design and structure of the dynamic repeater circuit, and hence patent protection being sought.

None of Wada, Fujita, and Rossi teaches or suggests a dynamic repeater with an output node operative to output a voltage of $V_{cc}/2$ in response to a voltage of $V_{cc}/2$ on the input node in the evaluate mode. Accordingly, Applicants submit that

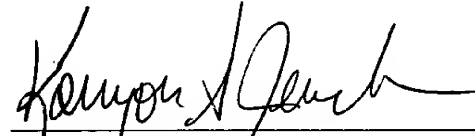
the Action has failed to make a prima facie case of unpatentability for claims 1-17.

In addition, if the change of address of the undersigned has not already been noted, please change the address to that shown below and send all correspondence to the new address.

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Respectfully submitted,

Date: 9 DEC 2003



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